

Remarks

Applicant has amended claim 14 to recite the subject matter of claim 16. Claim 16 has been canceled. Claim 17 has been written in independent form. New claim 19 has been added. Claim 9 has been corrected to conform to the specification.

These amendments are not the addition of new matter. Accordingly, Applicant respectfully asks the Examiner to enter the amendments.

Claims 2, 4, 5, 7, 9, 14, 15 and 17 – 19 remain in the application.

Claim 9 has been corrected as indicated by the Examiner.

Applicant respectfully traverses the rejection of claims 2, 4, 7, 9, 14 – 16, and 18 under 35 U.S.C. §102(b) over Lam, U.S. Patent No. 6,001,750.

Claim 14 and the claims dependent thereon patentably distinguish over Lam '750 in the recitation of the combination of: the fibrous base material comprising 75% to 85%, by weight, fibers; 15% to 25%, by weight, fillers; a fibrous material having an average voids volume from about 50% to about 85%; and a fibrous base material comprising 35 to 45%, by weight, of a less fibrillated aramid fiber; 5 to 15%, by weight, cotton fibers, and 2 to 20%, by weight, carbon fibers.

Nowhere does Lam '750 disclose or suggest this combination.

Claim 17 patentably distinguishes over Lam '750 in the recitation of the combination of: the fibrous base material comprising 75% to 85%, by weight,

fibers; 15% to 25%, by weight, fillers; a fibrous base material having an average voids volume from about 50% to about 85%; and a fibrous base material comprising 40 to 50%, by weight, of a less fibrillated aramid fiber, 15 to 25%, by weight, cotton fibers, and 10 to 20%, by weight, carbon fibers.

Nowhere does Lam '750 disclose or suggest this combination.

Claim 19 patentably distinguishes over Lam '750 in the recitation of the combination of: the fibrous material comprising 75% to 85%, by weight, fibers; 15% to 25%, by weight, fillers; a fibrous base material having an average voids volume from about 50% to about 85%; and a fibrous base material of a woven fibrous material.

Nowhere does Lam '750 disclose or suggest this combination.

Without Applicant's specification for a road map, one would not reach the claimed combination. Clearly, the prior art has no appreciation for the high fibrous content and combination Applicant claims.

Accordingly, Applicant respectfully asks that the Examiner withdraw the rejection under 35 U.S.C. §102.

Applicant respectfully traverses the rejection of claims 2, 4, 7, 9, 14 – 18 under 35 U.S.C. §102(b) over Lam, U.S. Patent No. 6,130,176.

Claim 14 and the claims dependent thereon patentably distinguish over Lam '176 in the recitation of the combination of: the fibrous material comprising

75% to 85%, by weight, fibers; 15% to 25%, by weight, fillers; a fibrous base material having an average voids volume from about 50% to about 85%; and a fibrous base material comprising 35 to 45%, by weight, of a less fibrillated aramid fiber; 5 to 15%, by weight, cotton fibers, and 2 to 20%, by weight, carbon fibers.

Nowhere does Lam '176 disclose or suggest this combination.

Claim 17 patentably distinguishes over Lam '176 in the recitation of the combination of: : the fibrous base material comprising 75% to 85%, by weight, fibers; 15% to 25%, by weight, fillers; a fibrous base material having an average voids volume from about 50% to about 85%; and a fibrous base material comprising 40 to 50%, by weight, of a less fibrillated aramid fiber, 15 to 25%, by weight, cotton fibers, and 10 to 20%, by weight, carbon fibers.

Nowhere does Lam '176 disclose or suggest this combination.

Claim 19 patentably distinguishes over Lam '176 in the recitation of the combination of: the fibrous material comprising 75% to 85%, by weight, fibers; 15% to 25%, by weight, fillers; a fibrous base material having an average voids volume from about 50% to about 85%; and a fibrous base material of a woven fibrous material.

Nowhere does Lam '176 disclose or suggest this combination.

Without Applicant's specification for a road map, one would not reach the claimed combination. Clearly the prior art has no appreciation for the high fibrous

content and combination Applicant claims.

Applicant traverses the rejection of claims 4, 5 and 14 under 35 U.S.C. §103(a) over Bortz, U.S. Patent No. 5,646,076.

Claim 14 and the claims dependent thereon patentably distinguish over Bortz in the recitation of the combination of: the fibrous material comprising 75% to 85%, by weight, fibers; 15% to 25%, by weight, fillers; a fibrous base material having an average voids volume from about 50% to about 85%; and a fibrous base material comprising 35 to 45%, by weight, of a less fibrillated aramid fiber; 5 to 15%, by weight, cotton fibers, and 2 to 20%, by weight, carbon fibers.

Nowhere does Bortz disclose or suggest this combination.

Claim 17 patentably distinguish over Bortz in the recitation of the combination of: the fibrous material comprising 75% to 85%, by weight, fibers; 15% to 25%, by weight, fillers; a fibrous base material having an average voids volume from about 50% to about 85%; and a fibrous base material comprising 35 to 45%, by weight, of a less fibrillated aramid fiber; 5 to 15%, by weight, cotton fibers, and 2 to 20%, by weight, carbon fibers.

Nowhere does Bortz disclose or suggest this combination.

Claim 19 patentably distinguish over Bortz in the recitation of the combination of: the fibrous material comprising 75% to 85%, by weight, fibers; 15% to 25%, by weight, fillers; a fibrous base material having an average voids

volume from about 50% to about 85%; and a fibrous base material of a woven fibrous material.

Nowhere does Bortz disclose or suggest this combination.

Bortz is silent about the amount of fiber used. Bortz does not disclose the amount of filler claimed. Bortz does not disclose the void volume claimed.

Bortz fails to disclose or suggest what Applicant claims. The mere existence of these 3 elements is not even found in the reference. The Examiner cannot add to Bortz where is not there.

Without Applicant's specification for a road map, one would not reach the claimed combination. Clearly, the prior art has no appreciation for the high fibrous content Applicant claims.

The Examiner also states that the proportions appear to be within the ordinarily level of skill of one in the art. Applicant respectfully submits that this conclusion is unsupported in fact or theory. No prior art discloses the high fiber contents Applicant claims. No reference has been cited showing the high fiber contents. One cannot add facts to a reference. No such fact exists in Bortz.

Clearly, the reference is deficient.

The reference is deficient yet the Examiner concludes that it would have been obvious to supply the deficiencies.

Applicant respectfully submits that no basis in fact or theory exists for

drawing such a conclusion.

The Examiner has failed to establish a prima facie case of obviousness because the reference does not teach or suggest the key elements of what is claimed. See In re Kuehn, 441 F.3d 977, 985-86, 78 U.S.P.Q. 1329, 1335 (Fed.Cir. 2006). Appellant has overcome the rejection by showing insufficient evidence of prima facie obviousness; In re Piasecki, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed.Cir. 1984).

The Examiner does not provide any evidentiary basis to support his findings. See In re Ahlert, 424 F.2d 1088, 1091, 165 U.S.P.Q. 418, 420-21 (CCPA 1970).

the Examiner does not provide any evidentiary basis to support his findings. See In re Ahlert, 424 F.2d 1088, 1091, 165 U.S.P.Q. 418, 420-21 (CCPA 1970).

Without Applicant's specification for a road map, one would not reach the claimed combination. Clearly, the prior art has no appreciation for the high fibrous content and combination Applicant claims.

Accordingly, Applicant respectfully asks that the Examiner withdraw the rejection under 35 U.S.C. §103.

Therefore, Applicant respectfully submits that claims 2, 4, 5, 7, 9, 14, 15 and 17 – 19 as amended are in condition for allowance and respectfully ask that the Examiner pass the claims to issue.

Respectfully submitted,

EMCH, SCHAFFER, SCHAUB
& PORCELLO CO., L.P.A.

A handwritten signature in black ink, appearing to read "P. Pacella", with a stylized flourish at the end.

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